



Order Filed on April 29, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

DENISE CARLON, ESQUIRE
KML LAW GROUP, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106
dcarlton@kmlawgroup.com
Attorneys for Movant
NewRez LLC d/b/a Shellpoint Mortgage Servicing

In Re:

Moshe German,

Debtor.

Case No.: 21-11067 CMG

Adv. No.:

Hearing Date: 4/21/2021 @ 10:00 a.m.

Judge: Christine M. Gravelle

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED

DATED: April 29, 2021

A handwritten signature in black ink, reading "Christine M. Gravelle", is written over a horizontal line.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Page 2

Debtor: Moshe German

Case No.: 21-11067 CMG

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, NewRez LLC d/b/a Shellpoint Mortgage Servicing, holder of a mortgage on real property located at 251 174th Street, Apt. 23, Sunny Isles Beach, NJ 33160, Denise Carlon appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and Yakov Rudikh, Esquire, attorney for Debtor, Moshe German, and for good cause having been shown;

It is **ORDERED, ADJUDGED and DECREED** that the Debtor hereby surrenders his interest in the subject property; and

It is further **ORDERED, ADJUDGED and DECREED** that the automatic stay and co-debtor stay is vacated as to the subject property and that such relief shall be effective upon the date of the entry of the confirmation order; and

It is further **ORDERED, ADJUDGED and DECREED** that stay relief is granted as to the subject property regardless of the provisions in the Debtor's chapter 13 plan stating otherwise; and

It is further **ORDERED, ADJUDGED and DECREED** that once relief is effective, Secured Creditor, its successors or assignees, may proceed with its rights and remedies under the terms of the subject Mortgage and pursue its State Court remedies including, but not limited to, taking the Property to Sheriff's Sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the Property at Sheriff's Sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the Property;

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor may join the debtor, co-debtor, and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.